CHAPTER III

NGONI CULTURE

Among the mixed ethnic elements in the Ngoni kingdoms the ruling aristocracy were those whose ancestors were of Swazi and trans-Zambesi origin, and whose clan descent names established them as belonging to the true Ngoni group. The families with these clan names formed also a social aristocracy in the villages where they lived, in the areas of the chiefs and *abenumzane*, and in the Ngoni kingdoms. This social status, established primarily by the clan name, was visible in the position of the huts in the village, arranged at the head of the kraal, in the leading role played by the senior members of these families on all ceremonial occasions; and in the practice of a number of customs which were defined as Ngoni. Ngoni culture, as seen in social and ritual life, was a series of interwoven patterns of social organization and social behaviour. We shall outline these patterns here in order to bring together many of the forms and practices described in the rest of the book. In a more homogeneous society it would have been possible to find in these patterns a consistent and clearly defined culture. Yet one of the main problems in studying Ngoni culture in the 1930's was that there were many variations of each pattern and the anthropologist was all the time trying to find out what degree of cultural conformity existed among the Ngoni aristocracy. Of the different aspects of culture reviewed in this chapter, the ritual pattern was the one most consistently followed, and it was the one in which the Ngoni social aristocracy most clearly demonstrated that they had a distinctive common culture which was found in both kingdoms and in the secession states.

(a) *Kinship pattern*

Like the South-eastern Bantu from whom they came the Ngoni were patrilineal in descent and inheritance. Marriage was negotiated by go-betweens and concluded through the handing over of cattle, and the term *lobola* was used for the cattle exchanged in this form of marriage. An Ngoni woman married by this form was known as *nkhokhasi*. A strict interpretation in the courts was given to this form of marriage as it affected the ownership and custody of the children. The children of a *lobola* marriage contract belonged to their father and could be claimed by him if the marriage broke up, or on the death of their mother. Traditionally, virilocal residence was an Ngoni custom, and it was supported by the house system whereby the male members of each house formed a group with economic interests in common through the joint ownership of the cattle in the name of the house. A widespread variant

2: Read E-5 (1935-1939) 1956

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the Paramount's interest in modern aspects of administration, especially after his visit to the course for chiefs held at the Jeanes School in Zomba in 1934. The old councillors, sceptical though they were of many modern innovations, recognised that they were in line with European ideas of administration, and also that they appealed to the younger educated men in the kingdom who had travelled and seen other countries and ways of living.

The Paramount married NaNdau as his big wife, and though, as the text mentions, he married two other wives when urged by the senior men, he sent them away after a year or two and NaNdau remained his only wife. She had an assured position since she bore him five sons and two daughters, the first-born being a daughter and receiving all the respect due to a Royal Sister. One of the brothers of NaNdau was chief of a division, and another was *nkosa wankasi* to the Paramount. She succeeded in maintaining much of the traditional pattern in the royal village and the big house. Her personal supervision of the household was thorough and competent. She exercised complete authority over the girls and women belonging to the household and arranged that the Ngoni custom of examining the young girls, including her own daughter, at regular intervals should be maintained. Her knowledge of Ngoni songs and dances, and her own skilled and graceful participation in the dances on state occasions, brought her before the people in her role as the big wife. At the feasts given by the Paramount she moved about among the people to serve them, and listened to complaints from the women about affairs in their villages which she then handed on to her husband.

The back verandah and all the outbuildings were the domain of the Paramount's wife. When I was there, she had some ten or twelve girls and women as well as several men working for her. They came and went if they had homes elsewhere, and the personnel changed often. All the household work was done by them: bringing water and fuel, pounding maize, and a good deal of the cooking, though this was closely supervised by the Paramount's wife. No beer was made in the household as it was against the rules of the church to which they belonged. In other Ngoni households of subordinate chiefs and *ahamuzana* who were not Christian, the brewing of beer was a time-absorbing part of the household tasks and was shared by the different wives under the supervision of the big house. In Mapanga, when the Paramount was entertaining unexpected guests and wanted to offer them beer, he inquired from his *indunas* if anyone was brewing beer in the village, and sent for some for which he paid. When he knew beforehand that guests were coming who would expect beer to be offered to them as part of the Paramount's hospitality, he told his *indunas* to see that beer was made in one of the village households, and he paid for it.

The cooking which went on in the big house kitchens was always extensive. The Paramount, his wife and six children had two meals a

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Father's family to child

Ngoni children were indeed the children of their fathers 596
from the time of their birth onwards. They were born into a 'house', of which their father was a member. If their father divorced his wife or she ran away, the children remained in [584] the custody of his family. We have seen how the paternal grandmother took charge of all the preparations for birth, and of the actual birth itself. It was her proud duty to present the child to the public after the 'coming out of the hut' ceremony, when she took it to the kraal gate where the assembled elders were sitting. The other senior women of Ngoni families held her responsible for advising on the spac- 342
ing between the birth of this new baby and the next, so that 596
the interests of this child should be safeguarded. If it was suspected that the young wife was pregnant again before the grandmother had planned to wean the child, the other senior women said to her: 'Look now. You are foolish. The child has been endangered. You are like an enemy to him.' That touched her on a very vital point, and she in turn accused the young parents of harming the present child. Having rebuked them, generally in public, she followed it up with a box on the ear for her son and his wife. When this [858] next child was born it was called 'the destroyer', because by following on too quickly, it had injured the prospects of the first child.

Baby to nurse girl and women helpers

The baby, as we have seen, spent a great deal of its time in 854
the company of its nurse girl, and after weaning she was its constant companion. She and the elder woman helpers who supervised her formed a counterbalancing influence to the paternal grandmother, though outwardly they obeyed her instructions about the care of the child. The nurse girl especially was inclined to be indulgent; she was young and playful; the baby was her only responsibility. She was

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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woman, who was sometimes a younger sister or a junior father's daughter. This woman then became a linked co-wife (*nsheani*)[1] subordinate to her barren sister. If the linked wife was also barren then the man could demand another one. The barren woman was never sent back to her own relatives but continued to live with her husband. Children of the linked wife were allocated to her and she became responsible for their upbringing. Similarly if a wife died before she had borne a child a linked co-wife replaced her.

If the man was sterile he used to arrange for a friend to sleep secretly with his wife so that she should conceive. The friend was rewarded with a beast after a child had been born but the reason for making the reward was kept secret. If a seducer was caught he was killed for committing adultery, despite the fact of his having been called in by the husband.[2]

As well as being fertile, wives were expected to be chaste. On this point the evidence is clear. Wiese states that adulterers were always killed;[3] all subsequent writers have agreed with him. I was told that if the woman's husband was not an important person he was sometimes placated with a present of cattle. If the husband persisted in referring the matter to the chief the senior lieutenants of the chief might intercede on his behalf, if this was the man's first offence. Otherwise the man and the woman were both killed by one of the senior lieutenants.

The approved mode of behaviour for women was chastity before marriage, submission in the choice of husband, and fertility and fidelity in marriage. These obligations were clear-cut and definite and of universal applicability. The obligations of affines towards one another were not so straightforward, and their fulfilment was a process marked by ritual transfers of cattle and carefully prescribed modes of behaviour. In particular the relationship of a man to his wife's mother was altered progressively from one of strict avoidance to openly expressed friendliness. The stages in the process represented the gradual acceptance of the man into the family of his wife's parents as a son-in-law, the father of their daughter's children.

Marriage was entered into without compulsion on either side, but the right to terminate it was held in the man's group alone. A woman could not on any ground secure a divorce. All my informants agreed on this point. A man could divorce his wife at any time by sending her back to her own kindolk, giving her a small present as an indication that he had divorced her. If he had offered bridewealth for her, her kindolk were under an obligation to provide him with a

[1] Read, in her 'Social code', p. 18 translates this word (*nsheani*) as 'substitute'. Lancaster, 'Tentative chronology', p. 79, gives the word as *nshkeani*. Kuper, *An African Aristocracy*, p. 39 translates the Swazi word *umkhati* as 'subordinate co-wife'. I have chosen the translation 'linked co-wife' as there are other kinds of subordinate co-wife who are not *nsheani*, and some *nsheani* are not substitutes.

[2] See below, p. 84.

[3] Wiese, *op. cit.* 'Expeditions . . .', p. 471, and 'Geschichte . . .', pp. 180-90.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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new wife to replace the divorced woman. Divorce however seems to have been rare, and in the genealogies I collected I met with only one instance of divorce at this period.

2. *Payments and ceremonies*

Betrothal[9] was a preliminary to marriage but was not compulsory. A girl was betrothed only if she was sought in marriage before puberty and the marriage then did not take place until some years after puberty. If a girl passed puberty without being betrothed she was subsequently married without a betrothal period. A man was expected to make presents to the girl he had betrothed and he began to adopt avoidance relationships towards her parents. If after puberty the girl or her parents wished to break off the engagement they could do so but were then under an obligation to return the man's presents. The ceremony at which an aristocratic girl after puberty chose her own husband has been described by Wiese.[10]

In the marriage itself there are two main stages marked by two distinct transfers of cattle. The first transfer was called 'snuff-box', *mfuko*. The name of the payment is based on the practice of begging snuff from one's friends and acquaintances and indicates something trifling and not recoverable. It consisted of one beast. Payment of 'snuff-box' established the man's rights to bring an action against an adulterer but it did not give him the right to take his wife away to his own village nor to the custody of any children she might bear him. These rights were obtained only by the payment of bride-wealth, *malowolo*,[11] which consisted of from one to a dozen beasts depending on the status of the woman's father. Both payments, 'snuff-box' and bridewealth, were made by the man or, if he was a young man, by his father to his wife's father. No specifically defined relatives were obliged to help a man find his marriage cattle but a man with few cattle of his own looked for assistance to the head of his cluster. Similarly there were no definite rules of distribution of the marriage cattle among the woman's relatives and the matter

[9] The verb is *ku-komela* for a man, and the passive *ku-komelwa* for a woman. Cf. Henrico *wha-kokela* and *wha-kokelwa* in Richards, *Bemba Marriage and Present Economic Conditions* (Rhodes-Livingstone Papers, No. Four), p. 61.

[10] In his later paper he calls the ceremony *inyemesulo*. In the earlier paper he calls the ceremony held at first menstruation *inkwesulo* and says that after this ceremony the girl went with others to choose the man she liked. The vernacular words for mentions are presumably connected with the modern Nyanja *cinamwali*, which is now sometimes applied to three ceremonies held (1) at first menstruation, (2) six months later, *cinamwali cachepa*, and (3) after first pregnancy, *cinamwali cachikulu*. The abstract noun *unamwali* is sometimes used in place of the concrete *cinamwali*. Cf. Wiese, op. cit., 'Expedition . . .', p. 472, and 'Conclusion . . .', p. 191; Railton, op. cit. pp. 102 and 106; Stigand, 'Notes on the natives of Dyambezi, N.E. Rhodesia, and Portuguese Zambezia, their arts, customs and modes of subsistence', *JRAI*, xxxvii (1907), p. 121; Read, 'Tradition and prestige among the Ngoni', *Africa*, ix (1936), p. 472; Young and Hanna, *Our African Way of Life*, pp. 83-4.

[11] Cf. the Zulu verb *uku-kohola*; also Railton, op. cit. p. 100.

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courts themselves have been influenced by the introduction of Christian rites, and in matters of divorce have been subject to pressure from the missions.

4. The punishment of adultery

The Administration prevented Ngoni from killing adulterers. Instead they changed adultery into a private delict, without specifying what damages could be awarded. Indeed the whole position of indigenous tribunals was equivocal until 1929, when the Native Courts Ordinance was passed. Until then no specific courts were recognised other than those presided over by White officers of the Administration. At the same time the Administration expected chiefs and others to maintain law and order and formally listed their duties in these terms. The chiefs had therefore to extemporize and administer traditional law as best they could. Since 1929 Native Courts have been recognised and the Administration has in the main supported the decisions reached in these courts. The law as administered now is certainly not the same as it was before 1898 and the differences are not merely the substitution of 'civilized' penalties for those 'repugnant to natural justice and morality'. Nor is the law identical with English or Roman-Dutch law. The law of adultery and divorce is adapted to a situation in which bridewealth is rarely paid, wives are left deserted for years by their husbands, and the custody of children is uncertain and dependent on the agreement of the children themselves.

5. Labour migration

Labour migration began in 1898 and since then there has been a continual flow of men and women seeking work in the mining towns of Southern Rhodesia and on the railway line of Northern Rhodesia. The constant absence of men away at work leaving their wives behind has made for a preponderance of women over men in the rural area and has led to more adultery and to the emergence of pleas for divorce on ground of desertion. The increasing number of wives who accompany or follow their husbands had enlarged the social field within which the marriage relationship operates so that a quarrel between a man and his wife in town may be referred for resolution to kinsmen many hundreds of miles away in the village. Men marry fresh wives in the towns and bring them home years later with many children. Two people living in villages may trace their relationship to each other through some half-forgotten migrant in the towns.

In 'the time of peace' marriage was a process by which an established social structure was maintained and developed. That structure has gone and Ngoni now live in a world of larger scale and greater social mobility. Marriage has become something by which local stability of relationship is maintained despite the fluidity of society as a whole. A man moves from village to village, from

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581 on the one hand, acquire that custody without undertaking any of these symbolic acts, and on the other hand he may have full rights over his wife without ever getting control of his children.

2. Choice

582 Marriage involves choice and selection. There are prescribed 'preferential marriages' in the usual terminology, but as applied to the Ngoni this nomenclature is misleading, for, as in the old days, a woman who marries her cross-cousin does not have such high status in her husband's compound family as a wife who is not related to her husband. A man behaves in some respects towards his female cross-cousins as though they were his wives or potential wives, but it is incorrect to say that Ngoni men prefer to marry their cross-

Table III. Marital status of males by age, 1945-9

Age in years	Unwedded	Wedded							Total
		Number of wives						Total wedded men	
		0		1	2	3	Not known		
		Divorced men	Widowers						
0-4	81	–	–	–	–	–	–	–	81
5-9	83	–	–	–	–	–	–	–	83
10-14	83	–	–	–	–	–	–	–	83
15-19	38	1	–	3	–	–	–	3	41
20-24	14	–	–	6	–	–	–	6	20
25-29	–	2	–	13	–	–	1	16	16
30-34	–	1	–	7	–	–	–	8	8
35-39	–	–	–	13	3	1	–	17	17
40-44	–	–	–	4	3	1	–	8	8
45-49	–	–	–	8	–	–	1	9	9
50-54	–	1	–	4	–	–	1	6	6
55-59	–	–	–	8	1	–	1	10	10
60-64	–	–	–	9	2	–	–	11	11
65-69	–	1	–	6	1	1	–	10	10
70-74	–	1	–	1	1	–	–	3	3
75-79	–	–	–	1	1	–	–	2	2
Not known	–	–	–	1	–	–	6	7	7
Total	299	7	1	89	11	4	10	130	429

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cousins. Whether a man decides to marry a cross-cousin or an unrelated woman, he still has to decide just exactly whom he will try to marry, and similarly a woman has also to make up her own mind about whom she will accept as husband. The initiative in choosing lies very largely with the couple themselves, and not with their parents and kinsmen. If a man is diffident about asking a woman to marry him, he may ask his father or elder brother to seek out a woman for him, or a woman may have a spouse presented to

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Table IV. Marital status of females, by age, 1948-9

Age in years	Marital status								Total
	Unwedded	Wedded							
		Divorced women living alone	Widows living alone	Divorced women living as concubines	Married women			Total wedded women	
					HH	HA	HS		
0-4	58	–	–	–	–	–	–	–	58
5-9	65	–	–	–	–	–	–	–	65
10-14	54	–	–	–	–	–	–	–	54
15-19	20	–	1	–	14	9	1	25	45
20-24	–	3	–	–	10	11	–	24	24
25-29	–	1	–	1	17	8	1	29	29
30-34	1	–	–	–	14	8	–	22	23
35-39	–	–	–	–	19	3	1	23	23
40-44	–	2	1	–	13	1	1	16	16
45-49	–	–	2	–	13	2	–	17	17
50-54	–	3	–	–	7	3	1	14	14
55-59	–	1	5	–	6	–	1	13	13
60-64	–	1	8	–	3	1	1	13	13
65-69	–	2	8	–	1	–	–	11	11
70-74	–	–	5	–	1	–	–	6	6
75-79	–	1	–	–	–	–	–	1	1
80-84	–	–	1	–	–	–	–	1	1
85 and over	–	–	–	–	4	–	–	4	4
Total	198	14	31	1	132	46	7	233	431

Legend

HH (Husband at Home) Husband living within thirty miles of his wife, in a village, and not separated from her

HA (Husband Away) Husband living permanently on a farm, or in Fort Jameson, or more than thirty miles away

HS (Husband Separated) Husband living within thirty miles, in a village, but separated from his wife

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Bridewealth is not often returned. A man does not usually consider offering the payment until he is fairly sure that his marriage is a stable and happy one, with little likelihood of divorce. Divorce is more the time for paying bridewealth than for taking it back. If a man has had children by a wife whom he later divorces, then,

Table V. Incidence of bridewealth, by decades

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Bridewealth	Date of marriage									Total
	1878-87	1888-97	1898-1907	1908-17	1918-27	1928-37	1938-47	1948-49	Not known	
Offered and accepted ..	–	1	2	2	3	2	2	–	–	12
Offered but refused ..	–	–	–	1	–	–	–	–	–	1
Not offered ..	1	12	26	53	61	56	113	17	8	347
Total	1	13	28	56	64	58	115	17	8	360
Ratio of offers to total number	0%	8%	7%	5%	5%	3%	2%	0%	—	4%
Not known if offer was made or accepted ..	1	3	6	6	12	11	18	7	2	66
Grand total ..	2	16	34	62	76	69	133	24	10	426

Information as in Table VIII

Table VI. Magnitude of bridewealth, by decades

Amount paid	Date of marriage								Total
	1878-87	1888-97	1898-1907	1908-17	1918-27	1928-37	1938-47	1948-9	
Beasts: 1 ..	—	—	—	1	1	2	1	—	5
2 ..	—	—	—	—	1	—	—	—	1
3 ..	—	—	1	—	1	—	—	—	2
4 ..	—	—	1	—	—	—	—	—	1
5 ..	—	1	—	—	—	—	—	—	1
£5 ..	—	—	1	—	—	—	1	—	2
Total ..	0	1	2	1	3	2	2	0	11

Information as in Table VIII

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unless he has paid bridewealth, the children will go to her relatives, whatever the cause of the divorce and whichever party is at fault. He can then offer bridewealth to secure custody of the children at the same time as he loses the services of his wife.

Bridewealth to-day is almost entirely concerned with the custody of children of the marriage and does not affect the rights of a man in his wife. These rights are determined by a payment which probably did not exist in the old marriage system and which we may call the legalization payment.[17] This payment is now the most important in marriage and is the only one recorded on the printed marriage certificates issued by the Administration through the Native Authorities. The Ngoni believe that the word has been taken from the Cewa, although the Cewa use the word differently. A law was made in about 1944 by the Ngoni chiefs fixing the amount of the legalization payment at a minimum of thirty shillings. Prior to this edict smaller amounts were more usual. The way in which the magnitude of the payment has varied through time can be seen from Table VII. Some people do not follow the law and pay less than thirty shillings; the majority pay the legal amount, in some areas thirty-five shillings is more usual, and recently a few fathers have successfully demanded much higher sums, up to £10, for their daughters. The edict implied that at least thirty shillings should be offered in every marriage, but marriages have been and still are being contracted without any legalization payment, as can be seen from Table VIII. However, from this table it appears that in the last twelve years legalization payments have been offered in a greater proportion of marriages than previously.

The most important right established by this payment is that to damages in the event of adultery. If a man has made the legalization payment he is sure that when his wife commits adultery the court will order both the woman and her lover to pay him damages. Adultery suits are the commonest heard in court and the legalization payment clearly establishes the fact that the man and woman are married in the eyes of the law. If the first payment a man makes is bridewealth, the legalization payment falls away, and he gains the exclusive right of sexual access to his wife without any further payment. In this respect we can see a carry-over from the old system in which bridewealth followed after 'snuff-box', and adultery was punishable by death. Usually if bridewealth is paid in a subsisting marriage, it comes after the legalization payment and is additional to it. The one payment relates to the custody of the children, the other to the sexual services of the woman. We have noted that bridewealth can be offered on the occasion of divorce when perhaps no legalization payment has ever been made.

[17] Cf. Young, *Notes on the customs and folk-lore of the Tumbuka-Kamanga peoples*, p. 81; Cockroft, *The Native tribes of North-Eastern Rhodesia; their laws and customs* (Occasional Papers No. Five, Royal Anthropological Institute), p. 59; Barnes, op. cit. p. 227

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brew beer when her husband asks her. In addition to this minimal amount of required co-operation, in many instances husband and wife have a great deal in common. They may go to church or visit a relative, or even go together to a beer party.

The obligation on a man to clothe his wife is the most clear-cut and obvious duty in marriage. It is the failure to clothe that is usually cited as evidence of desertion when a woman seeks a divorce. There is no specific standard to which he must clothe her, but she usually insists that she is not to be more poorly clad than are her neighbours. Clothes consisted in the old days of skins and barkcloth, but cloth was introduced by Arabs before the Europeans arrived, and was used as a form of currency by the early European settlers. A few people still wear skins, but only on top of Western clothing. There is no indigenous weaving, and all clothes have therefore to be bought in the shops.

The man takes the initiative in finding a hut in which he and his wife live, and it is he who undertakes the major work of repair. Houses, if made of bamboo, last for about twenty years, but require rethatching, while pole and mud huts last about eight years only. When a couple begin to live together they usually borrow an empty hut in the village, asking the man or woman who is looking after the hut if they can move in. No charge can be made for the loan of a hut. If the marriage begins uxorilocally, and the woman has previously been living in a dormitory, she may ask the other girls in the dormitory to go and sleep elsewhere until her husband can build her a hut of her own. The man does the work of marking out the site, digging the foundations, cutting the trees for the framework, and so on. All these are men's jobs, and he may be assisted in the work by his male neighbours and relatives. His wife gathers thatching grass, but the men do the actual thatching. The finishing of the house is entirely the wife's work, and she usually gets her friends and relatives to help her plaster the walls and floor. The maintenance of the plaster remains her responsibility and she ought to renew the floor every month after she has menstruated.

Every wife ought to have her own garden, and, sooner or later, her own storehouse. Most young people acquire gardens of their own long before they marry, but continue to pool the produce of the garden with the adult responsible for feeding them. This arrangement continues after marriage, and the incoming spouse at first merely assists in the garden of the other and is fed from the common storehouse of his or her parents or relatives. If a woman has been living with her grandmother and her husband comes to live with her, the couple draw on the wife's grandmother's storehouse for their food, and place the produce of the wife's garden in it. Similarly, in virilocal marriage, a woman may at first help in her husband's garden and draw from his mother's storehouse. But after a year or two, if a man is not to be despised as a sluggard, he must build a storehouse in the village where they have settled, and see that there is

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money to buy herself clothes, if her husband has no money to give her.

In court, when a woman has to pay damages or a fine, she may be able to provide the money from her own resources. If not, she can turn to her husband or to her own kinsfolk. Provided damages for adultery are not involved, her husband, if he is not away working, ought to provide the money and a deliberate refusal to do so would precipitate a major quarrel and the possibility of divorce. If a woman gets into a fight at a party, and has to pay, say, half-a-crown to someone she has hurt, her husband ought to find the money for her. If he refuses to do so though she has no money of her own, the court will say that he no longer loves his wife, and is trying to find an opportunity to divorce her. Indeed, there would be little point in the husband refusing to pay, as those who cannot pay their fines are committed to prison, and he would then lose the services of his wife.

A woman can hold property in her own right and a husband honours a well-loved wife by giving her cattle. Gifts that she gets from her own kinsfolk do not pass to her husband, and such things as blankets and mats that she has used, even if her husband bought them, are regarded as her own property. Even the money that her husband gives her to make specific purchases is her own to do as she pleases with, so that a woman may forgo the skirt for which her husband has given her money and instead give it to her sister to buy something else. Husbands do not always like such actions, but they cannot do anything directly to prevent them. One of the ways in which a wife acquires livestock of her own is by buying animals with the money she gets from her husband for clothes. The produce of a wife's wet-season garden, maize, sorghum, millet, root crops, pulses, cucurbits, is in effect held in common by husband and wife, and neither ought to sell any of it without first consulting the other. On divorce the crops are divided between them unless the court decides that one party did not work in the garden, or has deserted the other. The money a woman earns by brewing beer for sale she usually keeps, although some men say that a woman should hand the money over to her husband, lest he find her with it and suspect that she has earned it by prostitution. In practice, most women seem to keep their own earnings and it is not uncommon, where the husband is a drunkard and weak-willed, for his wife to have custody of his money as well. Indeed the simultaneous operation within the husband-wife relationship of structural separation and social co-operation is well demonstrated by the apparently paradoxical situation, of which I saw two instances, in which a man ordered to pay damages to his wife for fighting her had to ask her to hand him over the money so that he could duly hand it back to her.

6. Mystical links

Symbolic expression of the relationship between man and wife is not greatly developed among the Ngoni, and the mystical bonds

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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sorrow, it is not necessarily always so, for loud wailing and tears are appropriate at the death of all neighbours and kinsfolk, whether friends or enemies. Men do not usually seek the companionship of their wives at dances and beer parties, although there are some men who do. In our own society we think of a man earning his living in company with other men, but spending his leisure with his wife. By contrast Ngoni men work in the gardens with their wives but seek other company for recreation.

7. Divorce

The relationship between husband and wife can be terminated by death or by divorce. If one spouse dies, then his or her interest in the marriage is guarded by the surviving kinsfolk, and we shall deal with their actions in our next chapter as part of the intervention of affines in a marriage. In divorce, however, except in cases of desertion, both husband and wife are themselves involved and it is primarily by their own actions, rather than by the actions of their kinsmen, that the marriage is terminated.

While a marriage is established without reference to the Ngoni state organization, except in so far as the issue of a marriage certificate is concerned, divorce most frequently involves resort to the Native courts. It is possible to effect divorce without taking the matter to the court, and in the past, before the growth of the Native Authority bureaucracy had begun, many people were divorced in the village. Kinsfolk of the two parties meet together in the village of one or other party, discuss the marriage, and agree among themselves that the couple are to be divorced. The formal act of divorce is made by the couple shaking hands with each other, while those present tell them to stop hating each other. The woman is told 'If this man comes as a traveller to your house, and asks for water, do not refuse him'.

It is more usual for a divorce to be referred to the court. Attempts are made by the kinsfolk to resolve the quarrel, if quarrel there is, and when the attempts fail the group seeking the divorce or hoping to get damages from the other side take the matter to the county Native Court. It is open to either the man or the woman to take the initiative in this matter. The court hears the case, awards damages as appropriate, and, if it thinks fit, declares the couple divorced. The formal act of shaking hands is sometimes performed in court, but is often dispensed with.

Divorce takes place in the village only when there is substantial agreement on both sides that it would be a mistake to allow the marriage to continue. The meeting of kinsfolk in the village may reach agreement about the return of the legalization payment or even the award of damages but it is only the court that has power to enforce decisions of this kind, and it is to the court that disputants turn when they cannot agree. When a man wishes to divorce his wife on the ground of her adultery he usually does so through the

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586 court. Women whose husbands have threatened them with divorce often bring the matter to court so that the divorce may be ratified and their grievance brought to light, or in the hope that they may be awarded damages for cruelty. If a woman does not wish to be divorced she may hope that the court will persuade her husband to take her back. In some areas where the Native Court is powerful, divorces are referred to it even after they have been agreed to in the village. The Dutch Reformed Church Mission sometimes allows divorce, but its members first seek divorce in the Native courts [794] and then, when the divorce has been granted, apply to the Mission for divorce in the eyes of the Church.

586 After a quarrel between a man and his wife he may give her a present of sixpence or a shilling and tell her that she is divorced and must go home. This act does not of itself constitute a certain divorce unless the man takes no steps to persuade her to return after she has stayed at her own village for a month or more. If the man does not go to her kinsfolk to apologize and ask them to intercede with the woman on his behalf, then it is plain that he meant what he said, and the woman may feel free to seek a new husband. A woman divorced in this way is not, however, so sure of her position as if she had been divorced in court or by agreement at a meeting of kinsfolk and there is always the possibility that her old husband may bring a suit of adultery against her and the new husband. The gift and the husband's statement 'I divorce you' constitute really only a threat of divorce, and a woman who returns to her own people after such a threat and who is not followed by an apologetic husband will, if she is sensible, take steps to clarify her status. Her kinsfolk may go to her husband's kin and discuss the quarrel with them and attempt a reconciliation or they refer the matter to the court.

A man does not need any specific grounds for divorcing his wife and if the marriage has lasted only a short time he may just say that he does not like her or does not want her as a wife. If no marriage payments have been made a man may merely say he is tired of his wife and send her home. The more common reasons given when divorce occurs soon after marriage are that a wife is always quarrelling, is lazy about preparing food, is disrespectful, or is always running off to her own village. Where the marriage has lasted longer, the most common grounds for divorce are adultery by the wife and desertion by the husband.

A woman usually seeks divorce on the grounds of cruelty or desertion. It is not sufficient for her to claim that her husband is a leper, or is mad, or has syphilis, for the court will argue that she ought to seek out the proper medicine to cure her husband. If her husband has been sent to prison, the court will argue that he went against his will and that his wife must wait for him to come out. She is more likely to get a divorce if she can prove that he is continually beating her or that he does not clothe her although he

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has the money to do so. Sometimes a wife brings her husband to court seeking damages from him for cruelty without asking for a divorce.

The woman who pleads for divorce on the ground of desertion is usually the wife of a labour migrant. Her struggle is not with her husband himself but with her affines, his kinsfolk who try to protect his interests for him while he is away. We shall consider this type of situation in the next chapter, where we deal with the relationship between a woman and her husband's kin. Here it will suffice to say that provided the man has been away for about four years without writing the divorce is usually granted.

Actions for adultery are always liable to turn into divorce cases, and the amount of damages awarded depends on whether or not a divorce is granted. If adultery is proved, and it is easier to prove than to disprove it, the woman and her lover each pay 30s. to the husband and 5s. fine to the court. If the woman is divorced on the ground of the adultery, the damages are increased to £3 each to the husband and 10s. each to the court. In court the woman is usually asked 'Which man do you love?' and if she selects her lover, the divorce is granted. Sometimes the husband protests that he wants his wife back, but if the court is persuaded that to send the woman back would only lead to more trouble, they will divorce the woman despite the protests of the husband.

When divorce is granted the legalization payment, if it has been made, should be returned. The court does not, however, make any definite order on this point unless called upon to do so by the man or his relatives, and it seems that in the absence of definite instructions to hand over the money, it is retained by the woman's relatives. This is particularly true when the divorce is on the ground of the man's desertion when it is likely that his interests will be poorly represented by his relatives.

If the husband has brought his wife to court in order to divorce her on some ground other than adultery, the court may merely tell the couple that they are divorced, without awarding damages to either party. But the law on this point appears to be changing, and the rule followed in one court is not always followed in another. Even in the same court the decisions given at one time may conflict with those given at another. If the court decides that the woman is at fault she may be ordered to pay £3 damages to her husband. If the man is at fault then, more rarely, the man is ordered to pay £3 damages to his wife. Occasionally, although the fault is held to lie with the man, the woman is ordered to pay £3 damages to secure her divorce. The factors influencing these decisions appear to be the readiness of any particular court to listen to the pleas of a woman, and its opinion of the character of the woman. A woman who is regarded as foolish, or given to quarrelling over nothing, or promiscuous, is sometimes ordered to pay damages to her husband

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although the evidence presented during the hearing of the case has established the husband's fault as the ground for divorce.

Only if there is dispute over the matter will the court make an order about the division of crops. The principles of division are that the crops belong to those who worked hard to grow them and that the children of the marriage have to be fed by the parent with whom they live, whoever may eventually have their custody. Thus in a case in which a woman successfully pleaded for divorce because of her husband's cruelty, the court awarded all the crops in the couple's garden to the husband, as the woman had been lazy and had done only a little towards their cultivation.

Bridewealth is not automatically returned on divorce and as we have seen, divorce is the time for paying bridewealth rather than for retrieving it. The disposal of the children of a divorced couple is regarded as a separate issue and to be treated on its own merits.

It is useful to have some quantitive estimate of divorce frequency, but the construction of a satisfactory measure is not easy. One aspect of the occurrence of divorce is presented in Tables IX and X, where the number of divorces experienced by wedded men and women of different ages is set out.

It will be seen that, considering only those wedded men and women whose divorces are known, the mean number of divorces per head of wedded population is 0·49 (51/104) for men and 0·30 (62/210) for women. This difference may be due in part to a greater reluctance on the part of women to admit to divorce, but is also due to the greater mobility of men. While women stay at home, their husbands go off to marry in the towns, divorcing their urban wives when they return home or when the strange rural environment proves intolerable to the women from the towns.

By considering the number of years that marriages have lasted, it is possible to say what is the mean duration of marriage. The necessary information was available for 402 marriages extant as well as completed, experienced by men and women who were resident in the sample villages. The mean duration of all these marriages is 11·6 years, and the mean duration of the marriages that ended in divorce is 6·6 years. The median duration of all marriages is, to the nearest year, 8 years, and of marriages ended in divorce, 5 years. More divorces occurred in the period from four-and-a-half years to five-and-a-half years after marriage than in any other similar one-year period.*

For comparison with other societies, we can express as a ratio the relationship between the number of marriages that ended in divorce and the number that did not or have not yet done so. This can be done in three ways, as set out in Table XI.

* There is no space here to give the method by which these calculations were made, but see my "Measures of divorce frequency in simple societies" *Journal of the Royal Anthropological Institute*, LXXIX (1949) (pp. 37-62).

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The precise significance of these ratios need not concern us here. It is sufficient to note that they indicate that divorce among the Ngoni is more frequent than it is among the Nguni people from whom they first came where divorce is said to be 'rare'.[38] The Ngoni ratios are closer to the Lamba and Bemba than to the Tswana.[39] The indication is that Ngoni informants are right when they assert that divorce is much more frequent than it used to be, for it seems legitimate to suppose that in former times the Ngoni were more like their Nguni forbears, in this as in other things, than they are now.

Once agreed upon, either at the court or in the village, divorce

Table IX. Marital experience of males, by age, 1949-9

Present age in years	Marital experience													
	All males								Wedded males only					
	Number of marriages entered into since birth								Number of divorces experienced since birth					
	0	1	2	3	4	5	Not known	Total	0	1	2	3	Not known	Total
0-4	51	–	–	–	–	–	–	51	–	–	–	–	–	0
5-9	61	–	–	–	–	–	–	61	–	–	–	–	–	0
10-14	58	–	–	–	–	–	–	58	–	–	–	–	–	0
15-19	28	3	–	–	–	–	–	31	2	1	–	–	–	3
20-24	14	5	–	–	–	–	1	20	3	–	–	–	1	4
25-29	–	13	3	–	–	–	1	18	11	4	–	–	1	16
30-34	–	6	2	–	–	–	–	8	4	4	–	–	–	8
35-39	–	6	6	1	3	–	–	17	10	6	1	–	–	17
40-44	–	3	1	2	1	1	–	8	4	2	1	–	–	6
45-49	–	4	3	–	1	–	1	9	5	3	1	–	1	9
50-54	–	3	3	–	–	–	1	7	4	1	–	–	1	6
55-59	–	5	1	2	–	1	1	10	8	2	–	1	1	12
60-64	–	3	3	3	1	1	–	11	7	3	–	2	–	12
65-69	–	1	3	1	3	–	–	10	4	6	–	–	–	10
70-74	–	–	1	1	1	–	–	3	1	1	1	–	–	3
75-79	–	–	1	1	–	–	–	2	1	1	–	–	–	2
Not known	–	–	–	–	–	–	7	7	–	–	–	–	7	7
Total	200	53	29	11	9	3	13	328	69	34	4	3	13	116

[38] Gluckman, 'Kinship and marriage among the Lozi of Northern Rhodesia and the Zulu of Natal', in Radcliffe-Brown and Daryll Forde, eds., *African Systems of Kinship and Marriage*, p. 184.

[39] Gluckman in Mitchell and Barnes, 'The Lamba Village: report of a social survey' (Communications from the School of African Studies, University of Cape Town, new series No. 24), pp. 18 ff., and Richards, op. cit. p. 120.

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is normally irrevocable and couples do not often go back to each other. If a wife does go back soon after a divorce people laugh at her for having caused trouble over nothing. A husband may sometimes assert that his wife has been divorced without his approval, perhaps while he was away working, but such complaints go unanswered for it is in the interests of the court to uphold its own decisions. Even if a man is living in the rural area his wife may get a divorce if he refuses to go to court to defend his case. In addition he runs the risk of a fine for contempt of court. The somewhat lengthy process by which a woman can get her divorce despite the obstruction of her husband is illustrated by the following account of a court case.

Case history 3

In April 1946 Zachariah, a man holding the royal descent-name and married to Ruth and Naomi, began to make advances to a recently divorced

Table 5. Marital experience of females, by age, 1945-9

Age in years	Marital experience													
	All females								Wedded females only					
	Number of marriages entered into since birth								Number of divorces experienced since birth					
	0	1	2	3	4	5	Not known	Total	0	1	2	3	Not known	Total
0-4	88	–	–	–	–	–	–	88	–	–	–	–	–	0
5-9	85	–	–	–	–	–	–	85	–	–	–	–	–	0
10-14	54	–	–	–	–	–	–	54	–	–	–	–	–	0
15-19	30	39	1	–	–	–	1	42	22	1	–	–	1	24
20-24	–	30	3	–	–	–	1	34	19	3	1	–	1	24
25-29	–	21	6	–	–	–	1	28	13	4	1	–	1	19
30-34	1	15	4	1	–	–	2	23	14	4	–	–	2	22
35-39	–	12	7	2	–	–	2	23	14	4	1	–	2	23
40-44	–	10	6	2	–	–	–	18	10	6	2	–	–	18
45-49	–	6	11	–	1	–	–	17	11	3	–	1	–	17
50-54	–	6	7	–	1	–	–	14	7	5	1	1	–	14
55-59	–	7	8	1	–	–	–	16	10	2	–	1	–	13
60-64	–	9	4	1	–	–	1	15	12	1	1	–	1	15
65-69	–	6	5	–	–	1	–	11	8	2	–	–	1	11
70-74	–	9	9	–	–	–	–	6	6	–	–	–	–	6
75-79	–	–	1	–	–	–	–	1	–	1	–	–	–	1
80-84	–	1	–	–	–	–	–	1	1	–	–	–	–	1
Not known	–	–	–	–	–	–	4	4	–	–	–	–	4	4
Total	186	140	80	7	2	1	13	431	162	37	6	3	13	223

159
293
313
58%

woman who lived near the place where he was working, with the idea of taking her as his third wife. Ruth, the great wife, was living with Zachariah at the time, and tried to prevent him from marrying this woman. Zachariah demited but then became so angry with Ruth that he gave her eloponce and said she was divorced. She went back to her village, saying she would get a divorce in the court. She stayed at her father's village for some time and then went back to her husband.

In October there was another quarrel between Ruth and Zachariah. According to Zachariah he told his wife to bring some tobacco from inside the hut and she refused, whereupon there was a fight. Ruth took the matter to court, complaining that in the fight Zachariah had hurt her so

Table XI. Divorce ratios

58%

Ratio	Value
A	10·5% (115/603)
B	10·8% (115/206)
C	36·9% (115/312)

Legend

A The number of marriages ended in divorce expressed as a percentage of all marriages

B The number of marriages ended in divorce expressed as a percentage of all completed marriages

C The number of marriages ended in divorce expressed as a percentage of all marriages except those ended by death

124

Informants

	Used	Potential	% Used
Men	117	136	86·0
Women	222	231	86·4
Total	339	367	87·6

Number of marriages in which both partners were informants 111

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159
583
578
582

badly that she had had to go to hospital. She produced a letter from the White doctor by way of evidence. Ruth's father testified that Ruth was the first wife Zachariah had married, yet despite this he bought her and did not fight with his second wife Naomi. Ruth asked the court to divorce her as she feared she would be killed by Zachariah. A court councillor said that although she and her husband had been to the court before with their troubles, it was not the work of the court to force men and women to divorce one another but to instruct them how to live together in peace. Zachariah was ordered to pay two pounds damages to Ruth and ten shillings fine to the court. Zachariah agreed to pay the fine but refused to pay the damages. The chief, who was in court at the time, asked him if he said this because of his royal descent-name. If Zachariah persisted in his attitude the chief would write to his employer and tell him to deduct the money from his wages. Zachariah then said he would send a boy back to collect the two pounds from his village.

Ruth went to her own village. About this time Zachariah was transferred to another area, distant from Ruth's village. In November Ruth's father began to complain that the two pounds had not yet been paid and said that Zachariah was trying to trap his wife by not visiting her, hoping she would commit adultery.

In February 1948 Ruth took out a summons against Zachariah for failing to come and visit her despite the ruling of the court in October that they were not to be divorced. The summons was sent to Zachariah in another county and Zachariah wrote back to a court councillor to say that he would not come to court as he had heard that Ruth was committing adultery with a certain man. On receiving the letter the chief said nothing could be done about it until Zachariah decided to bring an action for adultery against Ruth.

By this time Zachariah had acquired another wife and when in March he was given leave he took the new wife to his own village where his second wife Naomi had been living all the time.

In December 1948 Ruth brought an action against Zachariah for divorce on the ground of his desertion. Three times the case was down for hearing but Zachariah never appeared. The court then divorced Ruth with no damages to pay.

Hearing this Zachariah went to the District Officer and asked why his wife had been divorced without his knowledge. The District Officer referred him to the chief. Zachariah wrote a rather facetious letter to the chief challenging his right to divorce Ruth. The court clerk read the letter and said that Zachariah ought to be fined for insulting the chief. He observed that Ruth's mother had died in September and that Zachariah must be a cruel man as he had not gone to offer his condolences.

582 It is easier for a woman to prove desertion in a case like this where the man is living in the rural area, than when he is away in the town working and writes sporadically if at all. The court feels that it is under an obligation to the migrant labourers of the tribe not to divorce their wives too easily. But if a husband is in the area and could perfectly easily go and see his wife, it is much easier to demonstrate that the desertion is deliberate and sustained, and not merely forced on a man by the exigencies of earning a living.

582 We have seen that the two main grounds for divorce are adultery and desertion. Some Whites express this by saying that these are the main causes of divorce among the Ngoni and other tribes. The Ngoni do not see the matter in this light. The cause of divorce to them is the presence of the White group. Old men deplore the

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apparent ease with which women get divorces and councillors say that they divorce people only because the Administration would interfere if they did not. We can see that in one sense the Ngoni analysis is correct. Whatever may be the precipitating causes of particular divorces, one basic factor is that the old social order in which divorce was rare has been replaced, through a series of events beginning with the White conquest, by a different form of social structure in which wives are relatively mobile from one husband to another. Adultery and desertion lead to divorce because it is no longer necessary to tie down the fertility of women to definite points in a segmentary system based on patrilineal descent, and this is so because the system no longer exists. It is true that the Roman Catholic and Anglican Missions do not recognise divorce but ecclesiastical ceremonies have no force in law, either in the eyes of the Administration or of the Native Courts, and the sanctions utilized by these missions do not entirely prevent their members seeking divorce.

Immediately after a divorce the couple usually wish to have little to do with one another. After the passage of years the hostility between them fades away and they may talk to one another in the ordinary course of village life. They continue to address each other as *husband* and *wife* and their children, although nominally in the custody of one group or the other continue to visit back and forth and keep the parents informed of each other's doings. A woman now married elsewhere may return to her former husband when their son comes home on leave from work. In her old age a woman may even go back to the man from whom she was divorced a long time ago if she has no one else to turn to for shelter and assistance. More frequently she follows her children to where they are living in her former husband's village but has little to do with him directly, only through their children.

8. Co-wives

We have seen that the rights of a man over his wife's sexual activities are different from hers over his. Whereas a woman who commits adultery pays damages to her husband, he does not pay her when he commits adultery. This lack of symmetry derives from the polygynous nature of the Ngoni marriage system. A man can always argue that he is seeking another wife, even if the woman he is running after is married to someone else. It is considered no business of his wife to interfere. She may attempt to stop him but all she can use are domestic and mystical sanctions, she cannot appeal to the law. Again, a wife has no right to the sexual monopoly of her husband and cannot prevent him from taking additional wives except by making his life with her so difficult that he decides to abandon the attempt.

As can be seen from Table III, about one man in seven has two or more wives. Although the Christian Missions do not tolerate

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by not visiting him, by refusing his presents of beer, and even by refusing to speak to him. Provided the man can find the money for the legalization payment himself, they cannot prevent the money from being handed over. The woman's kin are in rather a different position for they can try to prevent her from marrying against their wish by refusing to accept the legalization payment. It will be seen from Table VIII that this happened in four per cent (3/138) of the marriages in our sample. The woman's father may sometimes think the sum offered is too small and may refuse to accept until it is increased. The man can either give way and offer the larger sum or, if he thinks the demand is excessive or beyond his resources, he may start living with her without any legalization payment at all. He is then not so sure of his rights over his wife as he would be otherwise and his wife's parents may try to break up the marriage. Should quarrels lead to a divorce it will be easier to obtain because of the absence of payments.

The woman's relatives may, however, refuse to accept the offered legalization payment irrespective of the amount. They do this if they feel that the marriage has no chance at all of success, either because of the unsatisfactory character of the man or of the well-established unreliability of their kinswoman. By refusing the payment they hope to protect themselves against the call for damages which they feel sure is bound to come when their daughter commits adultery and her husband wants to divorce her. Even at the monetary level the amount they are likely to get as legalization payment is only thirty shillings while the damages they will be called upon to find will be three pounds. If, however, no legalization payment has been made, then the divorce should be granted without the award of damages against the woman. Thus her relatives protect themselves financially by refusing the payment, but at the same time by so doing they are trying to avoid trouble in the group of kin and quarrels with their newly-found affines. If a man before making his legalization payment shows himself to be unsuitable as a husband, or if it is plain that his wife will not be satisfactory to him, her kin will not put any pressure on him to pay and begin to hope that the marriage will end before too much trouble ensues. If the payment is made, some of the woman's relatives may refuse any part of it offered to them, hoping thereby to avoid future financial responsibility for her adultery.

Case history 6

Job works in the township and had two wives. He then married the girl Rebecca. She lived with him in town for a month or two and then Job sent her back to her village to be taught to cook properly. Her mother's mother remarked 'Ever since she reached puberty we told Rebecca she must learn to cook properly but she took no notice. The other wives of Job often laugh at her.' Her mother's mother's elder sister said 'It is a good thing for us that we did not accept any legalization payment from this man.' A month or so later the marriage broke up and Rebecca was divorced.

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Where a woman has already troubled her relatives by her adultery, they may try to avoid further expense by refusing the legalization payment offered for her.

Case history 7

Rachel had had two husbands and had been divorced from them both. She had also lived with a White for some years. In 1948 she began to live with Enos, who already had three wives. In 1949 Enos approached an important man in Rachel's village and asked him to act as intermediary as he wished to offer the legalization payment to Rachel's brother. This man refused to do so, and in the end Enos approached his brother-in-law himself. The brother-in-law said that he had known his sister Rachel a long time and she was just a prostitute. He would not take the money for her. Enos said he would speak to his wife and ask her to change her character. Eventually the brother-in-law agreed to accept the thirty shillings offered.

Although the kinsfolk of the man or woman can exercise social pressure to prevent a marriage it is difficult for them to force a girl to marry against her will, and impossible in the case of a man. We have noted that in the old days, according to informants, people married whom they were told and did not refuse. Even if this was ever true, it is true no longer. A man can move off to the towns in the face of pressure and a woman can always run away to other relatives if her parents are insistent on an unwanted marriage. The Administration does not allow girls to be married against their will, but I do not know of any recent instance in which it has intervened on this issue. A girl's relatives can show their anger by abusing her and by scaring off her own preferred mate, but they cannot detain her against her will and they cannot force her to go through the ceremonies of marriage. They cannot appeal to the court to punish the girl for disobedience.

In some instances pressure is put on a man by a woman's kin to force him into marrying her. If a woman bears a pre-marital child, and it is known that the genitor is an important man or chief, her kinsfolk begin to adopt towards the genitor's family the patterns of respect and avoidance which would be appropriate if he were their affine. This procedure may be adopted although it is plain to people in general that the genitor has no intention of marrying the woman. If it is unsuccessful in forcing the hand of the genitor, the formal attitudes of the woman's kinsfolk come to be generally ridiculed and they abandon the pretence.

So far we have considered only the attitude of kinsfolk towards a proposed marriage and the legalization payment associated with it. The factors influencing the acceptance or refusal of bridewealth are different. Bridewealth, when offered, is not often refused. Table V shows that in our sample this happened in only one out of 360 marriages. We must remember that bridewealth is paid only in about four per cent of all marriages, and that a man is usually on good terms with his affines and has lived in peace for many years with his wife before he offers it. A youngish man may seek the

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606 good man behaves towards his father-in-law with obedience and respect, and that he is rewarded by the gifts of beer sent to his father by his wife's father. If these gifts are not made, then the man must be 'bad' or his father-in-law 'fierce' or 'cruel'.

581 829 There is one type of marriage in which none of these ceremonies are performed. This is what is known as the 'poorly fixed marriage'* which lies on the borderland between marriage and concubinage. People do not expect a 'poorly fixed' marriage to last long, and this expectation is based more on their estimation of the characters of the couple involved than on a consideration of the absence of marriage ceremonies and payments. If a couple, who have shown by their general behaviour that they are fickle and quarrelsome, begin to live together without going through any of the formalities of marriage, people speak of their marriage as 'poorly fixed'. If the union breaks up there is no divorce procedure and the couple merely go their own separate ways. The categorization 'poorly fixed' is not applied to all marriages in which there are no marriage [583] payments, for poverty is usually regarded as a valid excuse for not offering money or animals or for not brewing beer. It is rather poverty of character and love of promiscuity and fickleness that lead to 'poorly fixed' marriages.

581 Sometimes a marriage which begins as 'poorly fixed' lasts for some time and becomes accepted as a proper marriage. An example of this is the marriage of Rachel and Esau (p. 63). In 1946 I was told this was a 'poorly fixed' marriage and that it would not last. In 1949 opinion had changed, and as we have seen, Esau succeeded in making the legalization payment for his wife. Even if his money had been refused his position would still have been better than it was in 1946 for he had shown that he could live with Rachel for three years without an undue amount of quarrelling and she had not drifted off to some other man. By making the legalization payment [583] Esau made his rights over her more certain.

[829] People who live in 'poorly fixed' marriages are not despised for doing so, but are rather pitied for their moral inability to make a 'well fixed' marriage. They are never so sure of the support of their relatives and neighbours as they would be otherwise. A man who ●586 has not made the legalization payment may be supported by his wife's relatives when she commits adultery if they think that he is a good husband and that it is she who is at fault in the matter. But if a man neglects his obligations towards his wife's parents and in particular does not approach them formally at the beginning [606] of the marriage to tell them of his desire to marry their daughter, they may turn on him if he tries to exercise rights over the woman.* In court, the wife's father may look at his son-in-law, who perhaps has been his neighbour for many years, and say 'Who is this man? We do not know him'; and the court will refuse to recognize his claims.

* *Ukuti cwayeweya.*

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS
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claims. In retrospect, when discussing an erstwhile 'poorly fixed' marriage that has broken up, people will say 'That was not a proper marriage', and 'She was just his friend'. In all the tables we have excluded 'poorly fixed' marriages from consideration.

The initiative in strengthening a 'poorly fixed' marriage lies with the man and not with the woman's relatives. If their daughter is living with a man who has not made the legalization payment they cannot bring him to court and force him to pay. If their daughter has only just passed puberty there may be grounds for an abduction suit, but if she has been married before or is considered old enough to decide for herself, her relatives are unlikely to take any action in the courts against her husband. The woman cannot be forced to return to her own people. Similarly if no bridewealth has been paid, the children cannot be forced to live in one village rather than in the other. They can be asked to do so, but they cannot be taken to court if they refuse.

All 'poorly fixed' marriages are marriages without payments, but not all marriages without payment are 'poorly fixed'. It will be seen from Table XII that no payments at all have been offered in about a third of the marriages in our sample. In some of the marriages for which there have been offers of payment, these consist only of the small present given as 'snuff-box' [1] in modern marriage. Yet these marriages are valid despite the paucity or absence of payment. Many of them have lasted for a long time and the lack of payment is almost forgotten. It would be an act of maliciousness on the part of the woman's relatives if after twenty years of happy married life they began to remind her husband that he had not yet made the legalization payment. With the increasing importance of marriage certificates on which the legalization payment is recorded, and the rise in power of the Native Authority, the position may well change in years to come. At present, most marriages without payments are more like marriages with payment than they are like the unions of men with concubines and prostitutes. The persevering inquirer may unearth the lack of payments, but in the day-to-day life of the village, as well as in many of the formal situations of marriage, this lack is not significant. In the work of the garden, in the sharing of food, on festive occasions when there is beer and dancing, there is no distinction between wives married in one way or the other. More significantly, we find instances where despite the absence of any payments, beer has been brewed for a daughter's husband and he has been invited to go through the ceremony of 'entering the wife's mother's hut'. Some marriages are solemnized in church, with the approval of the parents on both sides, without any payments being made. The rules of avoidance between a man and his wife's mother operate independently of the marriage payments, and widows are subject to the same restrictions

[1] *Mfuko, amendemo, amedamendemo.* See above, p. 88, n. 18.

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS Mpezeni

end of the village can be heard at the other, ensures that all quarrels soon become public knowledge. The quarrels of any members of the village are known to, and in greater or lesser degree are the concern of, everyone else in the village. Beyond the confines of the village, kinsfolk living in neighbouring villages can soon be called in and in any case soon come to hear of a serious dispute. In a quarrel between man and wife there are certain restrictions on the extent to which affines can intervene, and there are certain regularities in the way in which they are brought into the ambit of the quarrel.

When a woman has a serious quarrel with her husband, she runs away. If the couple are living uxorilocally she may not go very far, and may take shelter with a friend or relative at the other end of the village but the consequences are much the same as if she had gone off to a kinsman several miles away. As a woman flees from the anger of one relative by seeking refuge with another or with her affines, so she flees from her husband to the shelter of a kinsman or kinswoman. Occasionally a woman will go to someone to whom she is bound only by bonds of quasi-kinship, as for example to a former playmate or school friend whom she addresses by a kinship term, but this is not common. If her husband makes no effort to persuade her to return, it is assumed that he does not want her back and that he is trying to trap her into committing adultery. A woman can sue for divorce if her husband has allowed her to stay away after a quarrel and has not tried to get her back again.

Case history 8

Abner was married to Esther and had paid the legislative payment. Abner suspected her of copulating with another man in the village and fought her. He then told her he was contemplating taking another wife. Esther ran off to her father's village about eight miles away and stayed there five months. Abner did not come to see her and she complained to the court. Abner was asked in court why he did not go to visit Esther and replied that he had had no time to do so as he had been ill. Esther said that Abner always suspected her of being a prostitute, but she wanted Abner as her husband; the trouble was that Abner did not want her or else he would have followed her to her village. The court agreed that Abner did not want Esther as a wife and was merely setting a trap for her, hoping to get damages for adultery when Esther had been left alone a long time. Abner was ordered to divorce his wife. He refused to do so, saying that he still liked her. Esther said that if Abner still wanted her he must come and live with her in her father's village where her father could see how he looked after her. Abner refused to go and live there. The court then divorced Esther without awarding any damages to Abner.

The correct behaviour for a husband when he finds that his wife has run away is to inquire from her friends in the village where she has gone, and then to hurry after her himself. It would not be considered right for him to send an intermediary; he must himself go and apologise. Arriving at the hut of the relative with whom his wife is sheltering, he does not speak to his wife but first asks the relative to intercede with her. They discuss the cause of the quarrel, and if it can be settled easily, as for instance when the man admits

4: Barnes E-5 (1945-1949)1951 FRS Ngoni FRS
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Gideon or Gideon's village was on the point of moving from one county to another and they wanted to begin the case in the right court.

Dinah, Deborah's mother, addressed her daughter:

'My daughter, ever since I married my husband, I have never committed adultery with anyone who was not my husband, and I have never asked anyone to give me medicines so that Reuben would love me. My husband loves me because I obey him, and he looks after me well. In addition he looks after you, who are not his real daughter. Believe my words, when Reuben dies, you will not find me married to such a good husband who can look after me and all my children. I used to tell you not to drink beer all night long because your husband was away working. You did not obey me, and see now you have done wrong to both parents, your own parents and the parents of your husband. We will report you as a bad child who has not been well instructed; and the parents of your husband will report us as bad people for not instructing you well. Now it is up to you because you are a fully grown person.'

Daniel's father said that the man who had made Deborah pregnant would be punished by the court, and that now Daniel and Deborah must be told to live in peace. Daniel said that he had nothing more to say as the people who had been sleeping with his wife had been identified. He would take them to court and would live peacefully with his wife. The meeting then ended.

Two months later Daniel took Reuben to court, and Deborah and Reuben were each ordered to pay Daniel thirty shillings damages.

We see in this account the constant interest of the kinsfolk in maintaining the marriage. Divorce was never mentioned. Instead, Deborah was told to change her ways. Her father-in-law argued that she should be forgiven as she had already borne children to Daniel. Her mother's husband, although he was more diffident about the matter than if she had been his own daughter, tried to prevent her quarrel with Hannah from worsening when he prevented her taking the chicken offered her. Although Reuben was only her step-father Daniel considered him, rather than his own father, the proper person to deliver a reproof to Deborah.

Occasionally the aftermath of a marital quarrel is neither reconciliation nor divorce but a state of affairs we may call separation. If a wife runs away, or if her husband goes off to work and avoids her on his return, there may be attempts at reconciliation which may fail or there may even be no attempts. Not every woman in this position seeks divorce. Some still hope that their husbands will return, particularly if there are growing children to be cared for, while others may be bound by the rules of their religion against divorce. If a woman is old and does not wish to take another husband, she may be disinclined to take the trouble to obtain a divorce. It will be seen from Table IV that there are only a few women in this condition. They live with their own relatives and sometimes maintain indirect contact with their husbands through their children who visit back and forth. This category of separation is applicable only where the husband is living near his wife. If a man is in Southern Rhodesia and does not write, we cannot say whether or not he is, in this sense, separated from his wife. His

4: Barnes E-5 (1945-1949)1951 FRS Mgent FRS
Mpresent

attitude towards her can be tested only when, if ever, he returns to the rural area.

A man whose wife runs away and who will not return may likewise continue to hope that one day she will change her mind and return to him, and for this reason will not divorce her. Unlike a woman, a man in this condition does not jeopardise his chances by taking a fresh spouse, and therefore it is rare to find a man whose only wife is one separated from him. It will be seen from Table III that there were no men separated from all their wives included in the sample.

In both separation and in the procedure by which a man "leaves his wife in disgust",[1] sexual intercourse ceases between the couple. In other respects the two procedures are quite distinct. When a man "leaves his wife in disgust", he stops sleeping with her but he continues to treat her as his wife. She has her hut next to her co-wives, her husband sits on her verandah, and she can rely on his help in the garden and in the care of her children. If she is separated from him, she must fend for herself. Her status as wife is significant only in that she does not marry anyone else.

6. The absent husband

A man appeals to his kinsfolk for support, but they do not replace him in the marriage relationship. His wife is linked mystically to him but not to them, and the right of sexual access to her is held by him alone. It cannot be exercised on his behalf by his kinsmen. He takes the initiative in appealing to them in a marital dispute, and his agreement is necessary at each fresh stage of events. If, however, the man is not there, his kin act on his behalf as far as they are able.

Most adult men, at some time or other, go away to work in the towns or mines. Some men take their wives with them but at any one time, as can be seen from Table IV, between a quarter and a third of all married women living in the rural area have their husbands away working either in Fort Jameson township, in the towns of Northern and Southern Rhodesia, or living permanently on the tobacco farms around Fort Jameson. When a man goes away to work, no one can tell when he will return. Some men go off and never write or come home again. Others write regularly, send home money and clothes, come home themselves for visits, and remain in close contact with those at home. Friends and relatives may give news of a long vanished migrant whom they have met in Southern Rhodesia.

For at least the first two or three years the assumption is made that a man intends to return, even if he does not write. If his wife is living uxorilocally she will probably continue to do so. If she is living in her husband's village, as long as she stays there she can depend to some extent on the support of her husband's relatives, who may help her with her hut and garden, and if they are kind-hearted

[1] See above, p. 41.

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS
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and have the money to spare, they may buy her clothes. The only [593] [167]
way in which she can raise money easily for herself are by brewing
beer, making pots, and working on the farms. To work on a farm
she must, however, remove herself from the surveillance of her
husband's kin, and unless she goes to join a contingent from their
village working at the farm, they may think she is running away
from them to seek a lover or new husband. We have seen, however, [541]
from Table XIV that significantly more wives whose husbands
are away live unchastely.

Many husbands write home, not only to their wives, and some
remit postal orders and bank-notes. A man may get a friend who
is returning from Southern Rhodesia to take home blankets and other
bulky articles to be handed over to his wife. He may send presents
like these direct to his wife or he may think it more prudent to send
them to his father or brother and allow them to hand on to his wife
as much as they think fit. The woman must then behave herself
in the eyes of her affines if she wishes to receive her husband's
presents. The acceptance of these gifts is taken as proof that the
woman is still dependent on her husband however long he stays [586]
away. If the woman applies to the court for a divorce on the ground
of desertion, the presents will be cited by her husband's kinsfolk
as evidence that there is no intention on his part to desert. [171]
Gluckman reports from the Lozi that even if a man sends goods,
after a statutory period the court will hold that 'a woman marries
a man and not a blanket', that is, the husband must return to
visit after and sleep with his wife as well as send clothes to her.
This argument is not used among the Ngoni. A woman who
complains that she is not satisfied with marriage under these
conditions is told to write to her absent husband and ask him for
the fare to join him in Southern Rhodesia.

Case history 19

Soni was working in Nyasaland. He sent home to his wife 7s. 6d. for clothes.
Later she wrote to him saying she wanted him to return. He sent her
18s., being 8s. for clothes and 10s. bus fare so that she could join him.
She did not go and later went to the court complaining she had been deserted. [584]
Her husband's relatives argued, to the satisfaction of the court, that as her
husband had sent her these gifts he was still taking care of her. The court
dismissed her plea as she had refused to go to Nyasaland when the fare
had been sent.

The husband's relatives try to watch carefully the movements of [593]
the woman so that they may prevent or at least report any adultery [167]
on her part. If they are in touch with the husband, they write to [602]
him should they suspect infidelity. Sometimes the husband ignores
their letter, sometimes he gives them instructions how they should
proceed in the matter, and sometimes he returns to the village to see
for himself what is going on. He arrives without warning and hopes
to catch his wife in the act. If all is well and he is satisfied that his
wife has been faithful he usually goes back to work again.

4: Barnes E-S (1946-1949)1951 FRS Ngoni FRS Mpezeni

becomes her husband's sibling so that their marriage is then incestuous. I have recorded elsewhere[*] an instance in which a man married his son's wife's mother. His son's wife left her husband, saying that she could not sleep with her sibling. In court the old man was ordered to give up his new wife and on that understanding his son's wife returned to her husband. Yet when I left the area two years later the man and his son were both living with their wives, despite the order of the court.

It is quarrelling, adultery and divorce that bring together the two groups of kin to deliberate. Quarrelling is usually between man and wife and arises from their personal life together. There are very few quarrels between the two groups of kin over the custody of the children or about the handing over or return of marriage payments. The custody of children is determined in theory by the payment of bridewealth. In practice a child stays with its mother until it is weaned and may then be sent to a grandparent. Here there is no argument, even in theory, that all the children should go to one grandparent or the other depending on bridewealth. Some people say that the proper thing to do is to send the first child to the man's mother, the second to his wife's mother, the third to the man's mother, the fourth to his wife's mother, and so on. This is not carried out in practice, and a child goes to live with whichever grandparent asks for it or is conveniently situated. Some old widows run households containing up to half a dozen grandchildren, real and classificatory, and others live alone or with one grandchild although there are many grandchildren available. A married man is concerned that he should not appear to favour his own relatives at the expense of his affines, and he endeavours to see that his children go to live where they will be welcomed and well looked after. As with children, so it is with presents. If he returns from work and gives his father a shirt, it will be prudent the next time to give a shirt to his wife's father. It is only when the marriage has broken up that the two sets of relatives may see themselves opposed against each other, each insistent on its own rights. Even then, there is little point in quarrelling about children. A child soon becomes 'wise enough' and can choose for itself. I recorded an exceptional instance in which a man aged about twenty moved from the village of his father's father, where he had been living, to his mother's father's village on the instructions of his kinsmen, who said that as his father had not paid bridewealth for his mother, he must follow his mother's kin and not his father's. This kind of move does not often occur, and although only one marriage in twenty is accompanied by the payment of bridewealth, many people settle in their fathers' villages.

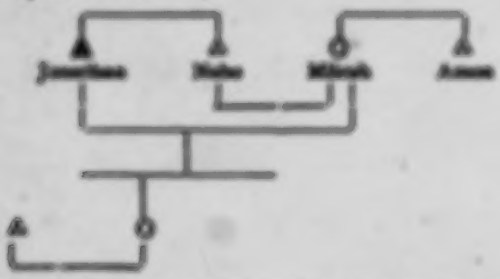
8. Other Kinsfolk

We have so far discussed the role of kin in a marriage in terms of

[*] See Barnes, op. cit. p. 232

4: Barnes E-S (1946-1949)1951 FRS Ngoni FRS Mpezeni

Case history 13



Moke inherited the wife, Mikoh, of his elder brother Jonathan. Neither brother paid bridewealth. One of the daughters of Jonathan and Mikoh was married and the legalization payment for her taken by Moke. In 1947 Moke brought his wife to court to divorce her. He said that she was always committing adultery and he was afraid that one day he would kill her in anger. Mikoh's brother Amos complained that Moke had taken the legalization payment of Jonathan's daughter, and insisted that if there was a divorce custody of all Mikoh's children should be given to him. This was accepted by the court, who told Moke that if he wanted the children he must pay bridewealth. The divorce was granted and £5 damages awarded to Mikoh. The payment of bridewealth was left undecided.

In marriage, and some people are beginning to confuse the rights originally transferred by it with the rights *in genetricem* associated with bridewealth. The vernacular term for the legalization payment (*ximale*) is common to many tribes in the Eastern Province, whereas that for bridewealth (*malowale*) is peculiar to the Ngoni. Bridewealth is not recorded on the marriage certificate whereas the legalization payment is. It is possible that while the rights *in genetricem* relating to the residence of the children of the marriage will remain indefinite and unenforcable, rights *in genetricem* relating to the acceptance of legalization payments for the daughters of the marriage will become attached to the legalization payment itself. This trend is illustrated by the following incident.

Case history 14

Simon had been married for many years and his daughter was being sought in marriage. Simon's wife's brother Nimshi came to see him to remind him that he had not yet handed over either the legalization payment or bridewealth for his wife. Simon admitted this. Nimshi said that someone would soon be offering a legalization payment for Simon's daughter. If Simon wanted to keep the money he must first offer the legalization payment in his own marriage. Simon paid Nimshi and kept the payment for his daughter.

Here Nimshi held that the legalization payment offered by Simon entitled Simon to keep the legalization payment offered for his daughter. According to traditional usage Nimshi should have insisted that Simon paid bridewealth not merely the legalization

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS Mpezeni

fields of urban housing, however, the forms of marriage become important and a man may be required to show that he is legally married before he can rent married quarters.

The work of the court is, in the words of the councillor hearing the pleas of Ruth (p. 84), 'not . . . to force men and women to divorce each other, but to instruct them how to live well together'. Whereas kinsfolk have an interest in a particular marriage, the court is concerned with the well-being of the tribe as a whole, and the maintenance of Ngoni values. It has a particular interest in those aspects of marriage in which the Native Authority bureaucracy is concerned, namely the issue of marriage certificates and the handing over of the legalization payment. In court as yet, no inquiry is made as to whether a marriage certificate has been issued in respect of any particular marriage. These certificates were first introduced only a few years ago, and if a married couple want one they must make a visit to the court accompanied by one or two relatives, and pay sixpence fee. They do not go to this trouble until they need one for the journey away from Fort Jameson. This may be after several years of married life.[9] In village discussions of marriage I never heard mention of marriage certificates, nor did I see a litigant produce one in court. One man, obtaining a certificate for his marriage that had taken place a year previously remarked that in these days one could not be sure of damages for adultery unless one had a certificate. I think he was ahead of custom in this matter, but as the same individuals issue certificates and try cases, it seems probable that such a development will take place. But even with the increased importance of the issue of certificates, it seems likely that the role of the court as primarily a conciliatory body will continue for some time, so long as court members do not become a body of specialists differentiated from the rest of the population.

The court is reluctant to grant divorce to a woman on the ground of her husband's desertion if he is a labour migrant until it can be shown that she has made efforts to trace him and has given him a chance of re-establishing contact with her. Therefore, women are made to write to their husbands informing them of their intention to proceed with a divorce. These letters are sometimes shown to the court as evidence that they have been written. It is only after an adjournment of several months that the court will take up the case, and the wise woman, during this time, avoids any indication that she has a new husband in view. It is, as it were, assumed that there is always a suspicion of adultery, but if her husband's kin cannot marshal any evidence against her, the court will grant her plea. It is felt by some court members that the attention paid to the pleas of women is forced on them by the Administration, and they are anxious to show that they do not divorce women too

[9] Cf. Richards, op. cit., p. 84.

4: Barnes E-5 (1945-1949)1951 FRS Ngoni FRS Mpezeni

easily. Paramount Chief Mpezeni III, in a Christmas broadcast in 1948, addressed to Ngoni workers in the towns, said

> Think not that I divorce your wives merely when they come to court. I do so when I see you send no money or clothes or you stay away for years than five years, not writing or sending anything to your families. I do this when they come to see me, both she and your parents. You do no good to your families by deserting them all when you are in a strange country.

The grounds on which divorce is granted are more or less the same in the court and the village, but although the court, like the village assembly, thinks of itself as being primarily concerned with 'teaching people to live well together', it is also, unlike the village, concerned with reinforcing the power of the Native Authority bureaucracy and upholding the authority of the chiefs. Hence the court gives greater weight to the formalities of marriage and the theoretical rights inhering in the different payments. The chiefs, councillors, assessors, clerks, and police who make up the court are all men, whereas in the village meeting old and important women give their views and they are listened to with attention. My impression is that women are less favoured in the courts than they are in the village.

The law that the legalization payment shall be not less than thirty shillings was agreed to at a meeting of chiefs and their supporters in about 1944. Informants said that the law was introduced so that women as well as men could be punished for their adultery. It was argued that in a marriage in which no bridewealth had been paid, and only a few shillings as the legalization payment, the woman's kin could not in equity be called upon to pay damages on her behalf to her husband when she committed adultery. Adultery was thought to have increased, and women were as much to blame as men. By making the legalization payment a considerable amount, equal at the time to two months wages, it became possible to punish the woman in the same way as her lover. As we have seen, not everyone keeps this law, and women are married with a smaller amount as legalization payment, or with no payment at all. It is held by some people that a marriage certificate will not be issued unless at least thirty shillings legalization payment has been handed over, but in fact it is still possible to get a certificate when some smaller sum has been paid. In the light of developments in other tribes of the Eastern Province, it seems likely that before long thirty shillings legalization payment will become necessary before a certificate can be obtained.

One copy of the certificate is given to the man and another to the woman. With the help of her certificate, and of letters from her husband showing he is calling her to join him, a woman can get a pass from the court allowing her to buy a ticket on the bus going to the railway line or to Nyasaland. These certificates have therefore considerable value, and one woman's pass may be used by another

if the latter is able to leave the area legally.[2] Various devices have been introduced to prevent women from using other people's passes, such as recording finger-prints on the certificate. On the other hand there is a great variety of ways in which women contrive to leave the area without a proper pass, such as marrying the bus driver for the duration of the journey, getting off the bus and walking round the control-points, and so on.

13. The Administration and the missions

Under the Lawful Northern Rhodesia, which guide the Administrations, the only valid marriages between Africans are those performed in accordance with 'customary tribal law'. There has never been any systematic attempt to codify the rules implied by this phrase, and in no particular case that comes before the Administration's courts do views of individual African assessors must carry weight. The tendency has been to try and discover what used to happen in the old days rather than what was the *de facto* law at the time. On the one hand, there appears to have been a feeling that women were entitled to certain rights in equity that may perhaps have been connived with the proviso that 'customary tribal law' shall not be administered when it is 'repugnant to natural justice and morality'. The Administration has certainly been sympathetic towards deserted wives seeking divorce and has encouraged Native Courts to allow their pleas where the husband has been many years away and has no written home. In the past the District Officer on tour has divorced batches of women who had applied in vain to the Native Courts for divorce on the ground of desertion. It has been argued by the Administration that since chiefs depend on the gifts of returned labour migrants to supplement their own income, they are reluctant to offend men by divorcing their wives in their absence. There are fewer divorces, in relation to the same number of pleas, granted in Ngoni courts than among the neighbouring Cewa, who are subject to the same Administrative and mission influences. The Ngoni find a consolation in this comparison. They merely observe that there are more divorces now than there used to be, and blame the White for the change.

The missions are all concerned with the development of Christian marriage, but their ideas as to what this is differ from one denomination to another, as do their views on the relationship of Christian to other types of marriage. The White Fathers and the Universities Mission to Central Africa do not allow divorce, while the Dutch Reformed Church Mission does. The U.M.C.A. insist that all 'customary obligations' shall be fulfilled before a marriage can be solemnized between Christians, the White Fathers

[2] Cf. Barnes, op. cit. pp. 245f for the rules regulating the movement of women beyond Fort Jameson District.

4: Barnes E-S (1946-1969)1951 FRS Ngoni FRS
Mpezeni

teach that the fulfilment or non-fulfilment of marriage payments is no concern of the Church, while the D.R.C.M. have a rule that bridewealth shall not be paid although this rule does not seem to be enforced. In general, in the village and in the court, the obligations of Christians are thought of as supplementary to their obligations as ordinary men and women, and Christian ceremonies to some extent supplement, but do not replace, traditional ceremonies. Thus there may be a church wedding in addition to a gall bladder ceremony, and a divorce in the eyes of the mission following after a divorce in court. Pressure has sometimes been put on chiefs and court members to act in accordance with the teaching of the mission, as in a past attempt on the part of the Catholic White Fathers to prevent courts from granting divorces to Catholics.[99] This type of intervention has applied particularly to courts where the chief was himself a Catholic. The Administration has opposed this pressure, and does not itself recognize any legal significance in religious ceremonies.

14. Spouses and kinsfolk

We may see the married couple in the middle of a system of relationships which connects them with persons and institutions each interested in their behaviour and in the maintenance of the marriage tie. By living peacefully together, by producing children, and by fulfilling their obligations to their kinsfolk and affines, they can, with discretion, satisfy the divergent claims implicit in this system of relationships. If they begin to quarrel, their kinsmen and neighbours attempt in the first instance to reconcile them. Only when this is impossible do those interested in the marriage begin to split up into groups with differing interests whose rival claims must be weighed by the court. Even then it is hoped that reconciliation will be possible, that a wife will return to her husband after she has paid him damages for adultery, and a husband return to his wife after many years of neglect. Whereas in the old days marriage was related to a fairly definite residential system, and rights and obligations were clear cut, nowadays the forces holding together a body of kinsfolk are weaker, and the danger of disruption of the group because of quarrelling is greater. The genealogical composition of the group is more variable and alters from year to year. Marriage, as one of the mechanisms by which local groups are built up, is part of the general political process, and is affected by inter-group and inter-personal relations that at first sight appear to have little to do with marriage. We observed that tribal and religious affiliation are significant criteria in a possible spouse. The divergent interests of less permanent groups, such as cliques and factions, influence choice of marriage partner and behaviour within marriage, as we have seen in the stories of Absolom and Mary (p. 60) and Amos and Eve (p. 28). Conversely, marital interests affect non-

[99] *Cf.* Richards, op. cit. pp. 83-4, for similar events among the Bemba.

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS Mpezeni

as well as to her husband and his kin, while a man tries to enlist the support of his own kin but not usually of his wife's kin if the dispute has nothing to do with marital affairs. At birth and death the division of labour and responsibility is mainly on sex lines. In general we may say that the elementary family does not emerge as a grouping of importance because there is no system of elementary families in which it can do so. Village is pitted against village in dances, songs, the collection of tax, hunts, division of food, and so on. In other situations, how group of kinsmen act as a body in distinction to another group of kinsmen who are their affines. We have demonstrated this for the ceremonial situations of marriage and for the resolution of quarrels. In the intimacies of the hut, man and wife are in a simple and specific dyadic relationship which does not admit of substitution. To some extent, their infant, from conception to weaning, is a helpless appendage of this relationship. From weaning on, children acquire other social relationships of their own. The distinction drawn between marriage and the care of children is well illustrated by the remark made by an old widow when I asked her why she did not marry again. She replied 'I am now too old for marriage. My job is to look after children.' The minimum encourage men and women to bring up and care for their own children, particularly where the children's grandparents are pagan. At the same time the importance of the economic ties that link every Ngoni household with the rest of the world is increasing and it is easier for men to find extra money when they are young and middle-aged than when they become grandparents. These two factors may lead to an increase in the importance of the elementary family, but it is also possible that the number of children sent home from Southern Rhodesia to their grandparents may grow as more women go there to join their husbands, thus increasing the responsibilities of the old towards their young grandchildren.

9. *Kinship structure, marriage payments and divorce*

We have seen that whereas in the old days divorce was infrequent, it is now comparatively common. We have also seen that prior to 1898 the kinship structure of the Ngoni was based on localized agnatic and quasi-agnatic lineages, for the captor-captive relationship was similar to that between father and child. These lineages are now no longer effective social groups, and individuals act and live together with cognates and affines related to them in a variety of ways. This parallel change in divorce frequency and in kinship structure provides confirmation for the hypothesis put forward by Gluckman that divorce is rare and difficult in tribes organized on a system of marked father-right, and frequent and easy to obtain in other types.[4] This hypothesis was suggested by a comparison of different tribes which Gluckman divides into two types. Among

[4] Gluckman, op. cit., p. 190.

4: Barnes E-S (1946-1949)1951 FRS Nguni FRS
Mpezeni

others, the Zulu and Nuer have agnatic lineages and rare divorce, while the Lozi and Ila lack agnatic lineages and have frequent divorce. The Nguni before 1800 appear to belong to the first type and the Nguni of the present-day to the second. In 'the times of peace' the fertility of the married woman was transferred by the payment of bridewealth to her husband's lineage segment, and the children whom she produced were recruits to that segment. Her agnates could never claim the children for their matrilateral segment. Associated with this system were the levirate, the sororate, and the right to enforce betrothal on pain of the return of gifts. The simple legal family was a relatively stable unit, and its position within the lineage segment was determined rigidly by the ranking of co-wives. Divorce was rare and could be effected only on the initiative of the husband. By contrast the affiliation of children nowadays is not fixed, and the very groups themselves to which they would formerly have attached themselves are no longer important. The children borne by a woman, whatever marriage payments have or have not been made for her, are potential recruits to local kin groups led by a variety of different relatives. Compared with the past, the simple legal family is unstable and divorce is frequent and easy. As might be expected, the levirate and sororate and enforceable betrothal, the trappings of the old system, have declined in importance.

Gluckman also suggests that in general, marriage payments fall in value with the decreasing dominance of patrilineal descent, although he cites the Ila as a virilocal people with high marriage payments, no agnatic lineages and frequent divorce. He regards the influence of property on marriage payments as secondary, but writes: 'On this hypothesis, which needs more testing, the amount of goods transferred and the divorce rate tend to be directly associated, but both are rooted in the kinship structure. It is rare divorce which allows high marriage payment, rather than high marriage payment which prevents divorce.'[1] The Nguni material suggests that payments, kinship structure and divorce frequency are connected and that among them, as among the Ila, frequent divorce does not preclude high payments.

We may distinguish three phases in the history of Nguni marriage payments. Prior to 1800 bridewealth varied in amount from one to a dozen beasts, depending on the status of the woman's father. In addition, recently captured women were married, both by men of high and low status, without payment of cattle. There is no indication that divorce was any less rare in one section of the community than another. In our pre-1800 sample, as set out in Table I, only one marriage out of eighteen ended in divorce, despite the absence of payments in half the marriages. It is true that in the single instance of divorce there were no marriage payments, yet even this marriage does not suggest marital instability as we

[1] Gluckman, op. cit., pp. 102, 200.

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS
Mpezeni

laws been discussing it. Divorce took place because the man, a recently captured Konde, ran away back to his former tribe leaving his wife, daughter of one of Mpezeni's lieutenants, behind in her father's village. In 'the time of peace' marriages were stable, with or without payment. The wealthy men were the politically important men, and indeed Wirer's assertion that men married off their daughters so as to gain the maximum number of cattle[1] may be based on the behaviour of socially ambitious fathers in what was largely an upward-mobile society. Political affiliation effected by marriage was ratified by a transfer of wealth appropriate to its importance in the general field of political and social relations. Divorce frequency and kinship structure were the same for rich and poor, aristocrats and captives, and were neutral factors in determining the amount of marriage payment.

The second phase began immediately after the war of 1898 and lasted until about 1930. At the beginning of this period the tribe as a whole was poorer than it has been before or since. Many cattle were looted in the war and for a long time there was little money in circulation. The majority of marriages without payment were contracted during this phase, and it seems reasonable to associate this in part with the poverty of the people. It is difficult to make any precise estimate of divorce frequency at this time, although we know that many Cewa and Nsenga women who had been married before 1898 deserted their husbands and returned home when British control was established. There does not seem to be any evidence for supposing that at this period women moved from one husband to another within the confines of the Ngoni kingdom more quickly than they do now. It is perhaps safe to say that the low level of payments was due partly to poverty but also partly to the general uncertainty about the future, about the kind of society which the White Administration was building for the Ngoni. Evans-Pritchard has stressed that 'It is morals that censure divorce and law that refuses to recognise grounds for divorce which ensure the stability of the union of husband and wife.'[2] The laws and moral code that had been enforced by the old chieftainship had been shaken by the defeat of 1898. The payment of bridewealth had defined legitimate expectations of behaviour, obligations and rights, within an organized system of social relations which had been shattered. While many Ngoni must still have regarded marriage with payment of bridewealth as morally right and desirable, they must also have been aware of the greatly increased risk they were running when making these payments, even if they had the cattle to make them. Rights *in usufructum* and *in genetricem* which were socially recognized but could not be enforced through the machinery of the State were hardly

[1] See above, p. 3, footnote 3.
[2] Evans-Pritchard, 'Social character of bride-wealth, with special reference to the Azande', *Man*, xxxiv (1934), p. 176.

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS Mpezeni

rights at all. The payment of bridewealth had in the past enabled ritually related groups of kin to 'foresee the behaviour of one another in given situations since the payments evoke the behaviour'[14] but now the given situations were unlikely to occur. We may say then in this second phase poverty and uncertainty about the overall system of social relationships within which marriages would continue caused marriage payments to be low and, in some instances, non-existent.

The gradual increase in power of the Native Authority and the contemporaneous increased participation in the money economy have brought about further changes in the third phase, beginning round about 1930. In recent years the value of the legalization payment has increased and seems likely to increase further. This change is demonstrated in Table VII, although we must recall that the time classification in this table is by year of marriage, not year of payment. Similar increases have been noted among other Eastern Province tribes, notwithstanding cultural differences between them and the Ngoni. This increase has been possible because of the rise in wages and prices, but we cannot regard this as the sole cause. This simple hypothesis is ruled out by the simultaneous fall in bridewealth, as suggested by Table VI. While wages have risen, the rights associated with bridewealth have declined in importance and those associated with the legalization payment have remained significant. A high payment gives each particular marriage the mark of stability, yet at the same time the process which enables a young man to offer as much as £10 for his bride without appealing to his kinsmen for help has also made his expectation of life-long marriage with her less than it would have been thirty years ago, when he would have offered only 6s. Men earn money in Southern Rhodesia and the Copperbelt. They move freely between urban and rural environments, using the money to make large marriage payments in the villages. They attend on their own, do not call on their senior agnates for help, marry where they will, and settle with that headman whose village most attracts them or is most conveniently situated for siting a new shop. Yet if in this way they can free themselves from prescribed affiliation to a kin group, so can their children do the same. The former structural basis for stable marriage, the inviolable affiliation of children to their agnatic group, has gone. There is as yet no system of law and morals, nor sufficient interest in inheritable property, to provide an alternative means of stabilising marriage. As among the Ila, high marriage payments accompany frequent divorce.

The hypothesis that increased frequency of divorce among the Ngoni is due mainly to the breakdown of their agnatic system may be supported by comparison with the Zulu and other Natal tribes. Here the old system, characterized by strong agnatic affiliation and

[14] *Ibid.* p. 172.

4: Barnes E-5 (1946-1949)1951 FRS Ngoni FRS
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rare divorce, has survived despite loss of sovereignty, territorial dispersal, economic impoverishment, high incidence of labour migration, and frequent adultery and illegitimacy.[1] The Ngoni, subjected to similar external processes, but in addition surrounded by matrilineal peoples and themselves largely of matrilineal origin, have lost their agnatic affiliation and, with it, stable marriage.

It is difficult to see exactly where this trend will lead. The third phase, as I have characterized it, is a recent development. There does not seem to have been any sharp rise in marriage payments until the 1939-45 war. During the war many Ngoni men earned higher wages than ever before in the Army and in industry. It may have been this that was decisive in raising the level of payments. It will be remembered that the thirty shillings minimum for the legalization payment was fixed by law during the war. It may, however, be suggested that if it is hoped by raising the level of payments to achieve stability in marriage, this hope is in vain. Payments may rise if people are in a position to pay more. Higher wages permit higher marriage payments without necessitating further changes in economic life, but in fact these changes are already taking place. Money is needed for more clothes, more food, more education, as well as for higher marriage payments. Payments rise as Africans participate increasingly in the general money economy of Southern Africa. The more they participate, the less marriage is constrained by a kinship structure based on morally significant face-to-face relations between agnates. The higher payments rise the more frequent becomes divorce. This is not a long-term prognosis, for I have indicated above that affiliation is not the only possible determining factor, and it is clear that if more people align themselves with those missions which do not permit divorce, the frequency of divorce as a whole may decline. There are other possibilities, but it seems to me unlikely that any of these other social mechanisms will become effective quickly; therefore the most probable concomitant of a rise in marriage payments in the immediate future is more frequent divorce.

Thus we see that at least for the Ngoni, changes in the amount and distribution of property have had a marked effect on the level of marriage payments, and that this effect can to some extent be isolated from that due to changes in kinship structure and in divorce frequency.

10. Attempts to resist change

The major structural changes taking place in Ngoni society in the last fifty years have not come about entirely unopposed. The Administration, the missions, and the Ngoni people themselves have noticed from year to year how the old order was changing and with varying success have made attempts to control the direction of change.

[1] Cf. information from Kark cited by Gluckman, op. cit., p. 204, footnote 1

otherwise outside of the child will still reach. Medicine is taken also by women who are unable to conceive. If it fails, it is because a spirit has entered the womb; and lots are taken to find whose spirit it is, after which sacrifices are offered until the desired result is obtained.

5. Dissolution of Marriage (Choose).

586 The Ashanti have no form of legal separation by agreement, and a divorce can be effected only where adequate reason exists. A husband may not divorce his wife on account of barrenness; but he may divorce her for adultery or desertion; or if she persistently neglects to cook food, bring water or perform her other work; or if she is offensively and perpetually jealous. A wife may divorce her husband if he is impotent; or if he fails to maintain a habitable house, or to do his share of the work; or if he fails to pay her tax, feed and clothe her properly; or on account of desertion or ill-treatment. Whatever is given to the divorce after the leaving of the cow by the husband handing over a fowl or other token, always known as *kudoo*[1] (no cover), in the presence of the *asafoanse*[2] to the wife's father, who passes it on to her attendants.[3] The wife always keeps the children, even if she has been an Ashanti; though sometimes in very flagrant cases one or more fully-grown children may be awarded to the husband; and in adultery the co-respondent is obliged to pay heavy damages as compensation for the loss of the children, and the value of several years' tax is refunded by the co-respondent. A woman may not be divorced while she is pregnant.

6. Marriage of Widows (Choose).

587 A widow may not be married until after the conclusion of the funeral ceremonies described in Sections VII. When, a few months later, she has to make her choice, she knows best as her own house, and on the evening of the visits *kokoodehi* her sisters, friends and relations foregather outside; the oldest female relation holds before her pieces of *kokoo*[4] grass, and tells her which of the sisters each piece represents. Then she signifies her choice by taking the appropriate piece in her hand; and the old woman proceeds to the house of the chosen one, where therefrom a knife or other small article, and hands it to the widow. In due course the bridegroom, accompanied by his friends, brings a cow, sheep, goat or fowl, according to his means, and ties it to the centre post of the widow's house, in order to get rid of the spirit of her late husband; otherwise, he will not be able to beget a child. The widow brings out here; her relations subsequently remove the animal from the centre post, and at night the bridal pair sleep apart in the house. Next day they procure medicine from a doctor and put it in a big pot in the house; and in the evening first the man and then the woman bathes in it. That night they again abstain from conjugal intercourse; but at cockcrow, after bathing a second time in the pot, they take it outside the village to a place where two paths meet, and break it there, thus finally and completely ridding themselves of the spirit of the first husband. They return to the village before it is light, and then commence their married life.

[775] [872]

[1] Cf. H. U. Hansen, *Journ. Roy. Anthrop. Inst.*, 1910, vol. xl, p. 344.
[2] *Fetoo*, a long coarse grass used for thatching.

7: Hodgson G-5 (1926) 1933 FR5 Ngoni FR5
Maravi FR4

12. *Customary Licence* (*Ngoni*).

N 896 [183] [684] [583] Pre-marital intercourse was strictly forbidden, but it is now the general practice, though disapproved of by the elders. While rarely claimed, it is still possible for a father to obtain damages from a man who is proved to have had connexion with his young unmarried daughter; and the bride-price is reduced when it is known that a girl has been playing fast and loose as a regular habit.

13. *Dissolution of Marriage* (*Ngoni*).

N 586 [595] Connubial disputes are decided at the husband's village. A wife may not be divorced on account of barrenness; but in such a case her father gives the husband a younger sister without further *mabeka*, or arranges with a friend or relation to give his daughter in return for a smaller bride-price.

When a divorce has been granted, it is made effective by the husband's *eakhowe* taking the wife home and handing her back to her father. If there are no children, the bride-price is returned, together with the *mabeka*, *kutenders* and other presents made before marriage. Presents made by husband to wife after marriage are considered to be the woman's own property, and she takes them with her. If there are several children, the husband keeps them, and his father-in-law retains the bride-price. If there is only one child, and the bride-price was large, the husband keeps the child and also receives back a portion of the bride-price, the guiding principle being a fair division. When the father is absent and is entitled to the children, his relations take charge of them. M [586] But even though the father may be given legal ownership, neither Angoni nor Achewa ever take small children away from their mother, with whom they must remain "until they are able to understand," the father being allowed meanwhile to visit them from time to time.

III.—DOMESTIC LIFE: FILIAL.

1. *Infancy*.

M 845 Among the Achewa, twins were never killed. After being washed in medicine, they were taken with a present of a goat to the chief, who thereupon gave them their names. Until that was done, the chief could not visit their village. At night one twin sleeps on each side of the mother, who lies on her back. If one of them dies young, it is buried with a fruit of the "sausage tree" (*kigelia pinnata*), so that it may not be lonely. Formerly, twin girls married the same man [582] at the same time, and twin brothers married their first wives at the same time.

M 429 Guardianship of a child is always vested in the father until initiation, when it passes to the *mtoibweni*, and on his death to the mother's other brothers, and then to the mother's sons.

N 429 593 Among the Angoni, the father is always guardian, with the modification that after marriage a girl must obey her husband before all others. When the father is dead, the father's brothers succeed according to age, then the father's sons in order, and then the sons of the father's brothers in their order.

8: Barnes E-5 (1946-1949) 1951 FR5 Ngoni FR5

under the guise of drawing attention to some good Ngoni custom which has been neglected. Thus, for example, a man came to court saying that he was always quarrelling with his wife and that he wished to divorce her. The bench granted the divorce and awarded the woman 30*s.* damages. The litigant protested. The junior member of the bench, a man aged about 25 years, said, "Don't you know, it has always been the custom in this court to award 30*s.* damages against men who divorce their wives?" Yet this was a comparatively recent practice and the litigant's protest seemed, to me, to be quite justified. The young man had been on the bench only about eighteen months. Even without Administrative stimulus, deliberate acts of legislation are not unknown among the Ngoni, but they require considerable discussion and probably a tribal meeting. It is easier, particularly for a court member as junior as the man in question, to appeal to the unwritten corpus of tribal custom when introducing a new rule. An analogous process in our own society is perhaps concealed under the fiction that judges do not make law. Ngoni do not quote specific precedents in court, and in this undocumented environment new decisions, if they are not soon challenged, become part of what has always been the custom since time immemorial.

We may then summarize by saying that their common store of notions about the past provides Ngoni with a means of distinguishing themselves from similar groups at a time when the cultural distinctions between these groups are in fact becoming less and less. In the Courts, appeals to the value of traditional custom are made to gain acceptance for new rulings, while in ordinary life breaches of custom are widespread and are not censured.

When we consider legends associated with particular groups within he tribe the picture is rather different. Separate groups in the population remember, and sometimes act in the light of, particular incidents in the past which link them to other similar groups. Thus village A is linked with village B because of some incident in the past when the erstwhile leader of A captured the leader of B, or because at one time the leaders of A and B were brothers. These incidents, and the present inter-group relations with which they are associated, are not known universally but only by the groups concerned and by those near them. Yet in many ways these incidents are of greater practical significance than the more widely known tribal history. The relationships to which they give rise, or rather such of these relationships as have persisted, are remembered at funerals, in the formal exchanges of beer, and in the settlement of quarrels. There are at first glance no sanctions to maintain relationships of this kind, and indeed the very separate existence of two villages A and B may be due to a quarrel followed by a split. But although, for example, when an old woman dies in A there is no way of directly forcing a messenger to carry the news to B, there is in fact a greal deal of social pressure on both groups to keep alive the connection between them. This arises from the general responsibility placed on everyone to preserve the peace, that is, to preserve the existing social order intact. If there are

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

marriages in which bride-wealth was paid were patrilocal, and those in which it was not paid, except for marriages with slave wives, were matrilocal. The matrilocal marriages were made only by recently incorporated Ngoni. The payment of bride-wealth is now significant only in relation to the residence and affiliation of the children of the marriage and does not affect the residence of the couple themselves. It frequently happens that a man goes and lives in the village of his wife when they are first married and that after a year or so he takes her back to his own village. This practice is fairly common among the matrilineal tribes of the region. A small payment[1] of five shillings or so may be made instead to enable a man to take his bride to his own village without first completing a period of matrilocal residence. Sometimes the legalization payment is considered sufficient to exempt from matrilocal residence. Indeed it is indicative of the wide range of variation in the different payments made and not made and in the significance attached to them that some informants were unable to state with certainty what payments had been made in their own marriages, although they knew the amount of money or animals that had been handed over.

This wide range of variation in behaviour in relation to marriage is one instance of the high measure of cultural heterogeneity of the Fort Jameson Ngoni. While present-day conditions are relevant to a study of Ngoni marriage, at the same time the effect of the combination of people with very different conceptions of marriage into a single state must not be overlooked. Among families that are powerful and claim to have migrated with Zwangendaba from the south, patrilocal marriage and the payment of bride-wealth are more frequent than they are among families of more recent incorporation. Cross-cousin marriage is noticeably more frequent in villages with people of Bisa descent than in the population as a whole. In Nyasaland, where there is a sharper cleavage into old Ngoni villages and conquered Cewa villages, the old Ngoni are characterized by a greater, and the Cewa by a lesser, incidence of patrilocal marriage.

Divorce

In the old days there was no way in which a woman could divorce her husband. A man could divorce his wife at any time by sending her back to her own people. The usual procedure nowadays, except in cases of adultery, is for the man to give his wife sixpence or a shilling

[1] *Ntbakula.*

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

586 and inform her that she is divorced. If the wife has committed adultery, the husband can take the case to court. If the adultery is proved he is 586 usually awarded £3 damages against his wife and £3 against the co-684 respondent, and the woman is divorced. On the other hand, a woman can seek a divorce in the courts on the grounds of desertion or cruelty. The court will award a divorce if the desertion or cruelty is proved, but may also rule that the woman must pay £3 to her husband's family.

If a man does not wish to divorce his adulterous wife, the court will award him damages of £1. 10*s.* against his wife and £1. 10*s.* against the co-respondent. In adultery cases in which a divorce is granted the damages awarded against the woman are often met by the co-respondent, who then marries the woman, but where there is no divorce the woman will appeal to her father or brothers to help her pay her husband.

If a woman runs away from her husband there is nothing that the husband can do to force her back, and if methods of conciliation fail, he has little hope of redress, except in cases of seduction or abduction. If the woman refuses to rejoin her husband the court may award damages against her, but such a marriage usually ends in adultery on the part of the woman and a divorce on that ground.

586 It has been observed by District Officers that divorce is not so frequent among the Ngoni as compared with their Cewa neighbours. 593 Nevertheless, divorce must be considered as a frequent occurrence among the Ngoni, and is so regarded by the people themselves. There is a maxim that a man ought to rely on his brothers, not on his wife, and one informant remarked: 'Never trust your wife; perhaps tomorrow you will divorce her.'

The Wife's Mother

606 The tensions between the two groups linked by a marriage find their most formal expression in the attitude prescribed for a man to his wife's mother. While a woman can speak to her parents-in-law and enter their house, a man cannot do so. In his contacts with his father-in-law he must be quiet and reserved, and although face-to-face contact is not considered shocking, it should be as rare as possible. But a man must go out of his way to avoid his mother-in-law, and this injunction is in the main observed in practice. The avoidance is usually phrased in terms of a prohibition on the entry into the hut of the mother-in-law. A man who has to pass by this hut will normally go round the back of it.

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

Grandparents

603 Children on weaning are often sent to their grandmothers to be brought up. The payments made in the marriage do not seem to influence either the choice of grandmother or whether or not the child stays with its parents. A child is sometimes sent to an old woman not its grandmother but related in some other way who lives in the same or a nearby village and who already has a brood of children to look after. This separation from the parents may occur whether the grandmother lives in the same or in a different village from the parents. Grandparents, and in particular that grandmother by whom a child was brought up, become confidants in later life. It is to her husband's grandparents that a wife complains if her husband does not fulfil his sexual obligations, while it is through the bride's grandparents that the groom should approach her parents when arranging the marriage. [606] The husband must avoid his wife's mother, but his wife's mother's mother and his wife's father's mother can sit on the same side of the house as he does, as though they were themselves married to him. When he is drunk a man can fondle the breasts of his grandmother, whereas to attempt to do this to his mother would be regarded as shocking.

593 691 578 While it is the grandmothers who intervene in the beginning of a matrimonial quarrel when the dispute is still an affair of the village, it is the parents of the couple, or if the parents are dead or senile the brothers, who will go to court to support them when the dispute has moved to the judicial zone of activity. Women seeking divorce on ● [586] grounds of desertion get their fathers to speak in their favour, while the absentee husband, who may be lost in Southern Rhodesia, will be represented by his father or his brother. Occasionally a father may give his support to his daughter-in-law rather than to his son if the son has annoyed his father as well as his wife.

593 571 578 Outsiders cannot intervene in the disputes within a family, although they may be called in to give their support to one side or the other. In particular the family of a man will not themselves take the initiative in bringing an action against his wife, however strongly they may rally to his support in a dispute where the initiative is taken by the wife's people. This principle applies even in cases of incest. For example, a [684] woman whose husband was away in Southern Rhodesia slept with her father. The husband's brothers wrote to Southern Rhodesia to tell him what was happening, but as in his reply he did not instruct them to take proceedings in the matter, nothing more was done about it.